

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

|                        |   |                            |
|------------------------|---|----------------------------|
| LUIS R. TOLENTO,       | ) |                            |
|                        | ) | No. CV-08-3066-JPH         |
| Plaintiff,             | ) |                            |
|                        | ) | ORDER GRANTING STIPULATED  |
| v.                     | ) | MOTION FOR ORDER TO REMAND |
|                        | ) |                            |
| MICHAEL J. ASTRUE,     | ) | (Ct. Rec. 21)              |
| Commissioner of Social | ) |                            |
| Security,              | ) |                            |
|                        | ) |                            |
| Defendant.             | ) |                            |

The parties have filed a stipulated motion for remand of this case to the Commissioner for further administrative proceedings (Ct. Rec. 21). The parties have filed a consent to proceed before a magistrate judge. (Ct. Rec. 7).

After considering the stipulated motion, **IT IS ORDERED** that the motion is **GRANTED**. The above-captioned case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge (ALJ) will further develop the record; reconsider the treating and examining source opinions, including the January 3, 2008, opinion of Dr. Walsh (Tr. 457); make a de novo disability determination, and issue a new decision. On remand, plaintiff will have the opportunity to provide

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1 additional evidence and testimony. The parties agree because this  
2 is a sentence four remand, reasonable attorney fees and costs  
3 should be awarded upon proper application to this Court pursuant  
4 to the Equal Access to Justice Act, 28 U.S.C. § 2412.

5 Accordingly, this Court **reverses** the Commissioner's decision.

6 **IT IS FURTHER ORDERED:**

7 1. The parties' stipulated motion (**Ct. Rec. 21**) for an  
8 order of remand is **GRANTED**.

9 2. Judgment shall be entered for the **PLAINTIFF**.

10 3. An application for attorney fees and costs may be  
11 filed by separate motion.

12 4. The District Court Executive is directed to enter  
13 this Order, forward copies to counsel, and **close** this file.

14 **IT IS SO ORDERED.**

15 **DATED** this 1st day of December, 2009.

16 s/James P. Hutton

17 JAMES P. HUTTON  
18 UNITED STATES MAGISTRATE JUDGE  
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